



Honorable Linda B. Riegle  
United States Bankruptcy Judge



Entered on Docket  
December 05, 2011

**LEWIS AND ROCA LLP**

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Setting Status Conference on  
Response of Mark Fanelli to First  
Omnibus Objection of USACM  
Liquidating Trust To Proofs Of Claim  
Based Entirely Upon Investment in Del  
Valle Livingston Loan**

**Hearing Date: November 15, 2011**

**Hearing Time: 9:30 a.m.**

**Status Hearing Date: January 19, 2012**

**Hearing Time: 10:00 a.m.**

The Status hearing on the response of Mark Fanelli ("Fanelli Response") to First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in the Del Valle Livingston Loan [DE 8533] (the "Objection") re Proof of Claim No. 10725-01380 came before the Court for consideration on November 15, 2011,

1 at 9:30 a.m.; notice of the hearing was provided to claimant, Mark Fanelli; good cause now  
2 appearing, it is

3 ORDERED:

4 1. A status conference is set before this Court regarding the Objection as it  
5 relates to Proof of Claim No. 10725-001380 filed by Mark Fanelli for **January 19, 2012 at**  
6 **10:00 a.m.** at the U.S. Bankruptcy Court, 300 Las Vegas Boulevard South; Courtroom # 1,  
7 Las Vegas, NV 89101.

8 2. Prior to the January 19, 2012, status conference, the parties shall begin the  
9 process set forth in the Alternative Dispute Resolution Agreement filed as Exhibit B to the  
10 Direct Lender Supplement To Debtors' Third Amended Joint Chapter 11 Plan Of  
11 Reorganization [DE 1887].

12 3. Mark Fanelli may appear telephonically at the status conference on January  
13 19, 2012 by sending a written request to the Honorable Linda B. Riegle, U.S. Bankruptcy  
14 Court; 300 Las Vegas Boulevard South; Las Vegas, NV 89101 or by sending a facsimile  
15 request to 702-527-7015. The written request must be received by the Court on or before  
16 **January 10, 2012** or it will be denied without good cause shown for failing to timely  
17 request permission to appear telephonically.

18 4. Once the Court grants Mr. Fanelli permission to appear telephonically, Mr.  
19 Fanelli should contact CourtCall at least 48 hours prior to the hearing by telephone at 1-  
20 888-882-6878, or by facsimile at 888-883-2946, to make arrangements for the telephonic  
21 appearance. CourtCall will require Mark Fanelli to provide the Court location, Judge's  
22 name, case name, case number, and date and time of the hearing. CourtCall charges are to  
23 be paid by claimant.

1 PREPARED AND RESPECTFULLY SUBMITTED BY:

2 **LEWIS AND ROCA LLP**

3  
4 By /s/ John Hinderaker (AZ #018024)

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6 John Hinderaker (*pro hac vice*)

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>August B. Landis, U.S. Trustee</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker (AZ #018024)  
Attorneys for USACM Liquidating Trust

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